

**REMARKS**

Claims 1-13 are pending in this application. The Office Action rejects claims 1-13 under 35 U.S.C. §112, second paragraph; and rejects claims 1-13 under 35 U.S.C. §103(a). Applicants hereby amend claim 1. No new matter is added.

**I. Rejections Under 35 U.S.C. §112, Second Paragraph**

The Office Action rejects claims 1-13 under 35 U.S.C. §112, second paragraph, as indefinite. The Office Action asserts that the preamble language "consisting of" contrasts with remaining claim language. Applicants amend claim 1.

Instant independent claim 1, as amended, recites "comprised." "Comprised" comports with the remaining claim language.

For at least the foregoing reasons, claims 1-13 are not indefinite. Reconsideration and withdrawal of the rejection are earnestly solicited.

**II. Rejections Under 35 U.S.C. §103(a)**

**A. Claims 1 and 8-13**

The Office Action rejects claims 1 and 8-13 under 35 U.S.C. §103(a) as unpatentable over either JP63-256701 (hereinafter "JP 701") or JP6-58931 (hereinafter "JP 931"). The Office Action asserts that both references disclose more than all of the claimed features, and that it would allegedly have been obvious to an ordinarily skilled artisan at the time of the invention to eliminate the additional elements as a function of obvious design choice. Applicants amend claim 1 and respectfully traverse the rejection.

Independent claim 1 is directed to an absorber comprising a laminated absorbent member comprised of laminated two or more super-absorbent sheets, each of which containing super-absorbent polymers to be capable of absorbing aqueous liquid, and a by-pass channel member which has a channel for moving the aqueous liquid fed to a surface of a first super-absorbent sheet positioned uppermost in the laminated absorbent member from the

surface of the first super-absorbent sheet to another super-absorbent sheet, wherein the side to be fed with the aqueous liquid in the laminated absorbent member is assumed to be an upper side. See claim 1. The absorber is useful, for example, for being applied as an element to various absorbent products, such as paper diapers, sanitary napkins, and incontinence products. See specification at, for example, page 1, first two paragraphs. Such an absorber is nowhere taught or suggested by the cited references.

JP 701 discloses that urine penetrating through the coverstock nonwoven breaches the second polymer layer by passing through the third fluff pulp. Since the second polymer layer has a low absorbing speed, the urine further passes through the second fluff pulp to the first polymer layer by the influence of the pressure from the diaper wearer while longitudinally diffused by the intermediate nonwoven. Thus, urine arriving at the upper side of the second polymer layer moves through the second fluff pulp to the first polymer layer, due to pressure from the diaper wearer. In JP 701, the members for absorbing the urine are the second polymer layer and the first polymer layer. The "second fluff pulp" is only a medium located between the polymer layers through which urine moves. Further, the intermediary nonwoven of JP 701 moves the urine positioned on the backside of the second fluff pulp to the first polymer layer while longitudinally diffusing the urine. Thus, the intermediate nonwoven does not include the feature of moving urine at the surface of the second fluff pulp to the first polymer layer. Nowhere does JP 701 disclose the bypass channel member as claimed. See JP 701 at pages 5-6.

Similarly, JP 931 discloses a middle sheet that moves the urine positioned in the vicinity of the backside of the first absorbent layer to the second absorbent layer. Such a configuration does not move urine positioned at the surface of the first absorber layer to the second absorber layer.

In contrast, instant amended claim 1 from which claims 8-13 depend, recites "the bypass channel member," that moves urine "fed to a surface of a first super absorbent sheet" to another super absorbent sheet.

JP 701 and JP 931 thus do not teach or suggest, nor do either of them provide a motivation or suggestion to be modified in order to obtain, the claimed features. Instant claim 1, as amended, is thus nonobvious over JP 701 and JP 931. Due to their dependency, claims 8-13 are also patentable over the references. Reconsideration and withdrawal of the rejection are earnestly solicited.

**B. Claims 2-7**

The Office Action rejects claims 2-7 under 35 U.S.C. §103(a) as unpatentable over either JP 701 or JP 931 as applied above to claims 1, 8, 9 and 11-13, and further in view of the prior art discussed (ADPA) and Ahr et al. (U.S. 4,323,069; hereinafter "Ahr"). Applicants amend claim 1 and respectfully traverse the rejection.

This rejection is predicated on the notion that either JP 701 or JP 931 have been properly applied to claims 1, 8, 9 and 11-13 above. However, neither of JP 701 or JP 931 would have rendered obvious even instant independent claim 1, as amended. Moreover, neither the prior art nor Ahr are cited for teaching the deficiencies of JP 701 or JP 931 with respect to "a channel for moving the aqueous liquid fed to a surface of a first super-absorbent sheet." Thus, due to their dependency, claims 2-7 are also nonobvious over JP 701 and JP 931, further in view of the prior art and Ahr; thus, this rejection is moot.

Reconsideration and withdrawal of the rejection are earnestly solicited.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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